

S.R. 117 - By Montford: Memorial resolution for Professor Paul J. Woods.

WELCOME AND CONGRATULATORY RESOLUTIONS

S.R. 114 - By Washington: Expressing sincere appreciation to Mrs. Emily Ettling.

S.R. 120 - By Santiesteban: Extending congratulations to Laura Martinez-Herring, Miss Texas, USA.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:52 o'clock a.m. adjourned until 11:00 o'clock a.m. Monday, February 18, 1985.

APPENDIX

Sent to Governor
(February 14, 1985)

S.C.R. 21

S.C.R. 25

TWENTY-SECOND DAY
(Monday, February 18, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by the President.

The roll was called and the following Senators were present: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Washington, Whitmire, Williams.

Absent-excused: Uribe.

A quorum was announced present.

Senator Roy Blake offered the invocation as follows:

Heavenly Father, we pause to thank Thee for the beautiful weekend that we had. We ask that You would be with us as we begin a new week for the people of Texas. Be with us as we deliberate on the bills that affect the lives of each of us. Guide and direct us, forgive us of our sins, for we ask these things in Thy name. Amen.

On motion of Senator Brooks and by unanimous consent, the reading of the Journal of the proceedings of Thursday, February 14, 1985, was dispensed with and the Journal was approved.

LEAVE OF ABSENCE

Senator Uribe was granted leave of absence for today on account of important business on motion of Senator Edwards.

REPORT OF STANDING COMMITTEE

Senator Harris submitted the following report for the Committee on Economic Development:

C.S.S.B. 299

C.S.S.B. 349

S.B. 289

SENATE BILLS AND RESOLUTIONS ON FIRST READING

The following bills and resolutions were introduced, read first time and referred to the Committee indicated:

S.B. 450 by Farabee Jurisprudence
Relating to standards and time for determination of death; granting certain immunities in civil or criminal actions; amending Chapter 165, Acts of the 66th Legislature, Regular Session, 1979 (Article 4447t, Vernon's Texas Civil Statutes).

S.B. 451 by Harris Economic Development
Relating to acquisition of control of a gas utility.

S.B. 453 by Krier, Traeger, Lyon Criminal Justice
Relating to admitting certain statements of a child who is an alleged victim of a criminal offense into evidence in a court proceeding for the offense.

S.B. 454 by Mauzy Jurisprudence
Relating to the participation of judges of statutory county courts in certain counties in the administration and supervision of probation offices and to the composition of the Texas Adult Probation Commission.

S.B. 455 by Mauzy Jurisprudence
Relating to procedures and practices in suits affecting the parent-child relationship.

S.B. 456 by Sarpalius Education
Relating to the salary supplements paid to public school teachers on the career ladder.

S.B. 457 by Sarpalius Education
Relating to including public school librarians, nurses, and counselors on the career ladder.

S.B. 458 by Sarpalius Education
Relating to the minimum salary and to the duties and qualifications of certain school district personnel.

S.B. 459 by Farabee, Harris Economic Development
Relating to the regulation of securities; providing penalties.

S.B. 460 by Parker Education
Relating to modifications in funding of special programs under the Foundation School Program.

S.B. 462 by Sims Finance
Relating to removing from delinquent tax records certain property taxes that are presumed to have been paid.

S.B. 463 by Farabee Economic Development
Relating to the final payment, acceptance, certification, or charge of items by payor banks; amending Sections 4.213 and 4.303 and repealing Section 4.109, Business & Commerce Code.

- S.B. 464** by Lyon Natural Resources
Relating to the continuation, composition, powers, and duties of the Parks and Wildlife Department; to funds used for parks and wildlife purposes; to the enforcement of laws and regulations relating to activities permitted by licenses or permits issued by the Parks and Wildlife Department; to reimbursement to the state for certain violations of the Parks and Wildlife Code; to penalty provisions in the Water Code; providing penalty schedules for the Parks and Wildlife Code; providing penalties.
- S.B. 465** by Glasgow Intergovernmental Relations
Relating to the creation of a judicial district composed of Denton County.
- S.B. 466** by Glasgow Intergovernmental Relations
Relating to bailiffs and a grand jury bailiff of the 297th District Court.
- S.B. 467** by Glasgow Education
Relating to the authority of the board of regents of Texas Woman's University to levy a fee for student centers.
- S.B. 468** by Glasgow Criminal Justice
Relating to the remittitur of a bond and the release from liability for the bond if the defendant is arrested or appears before a final judgment of forfeiture of the bond.
- S.B. 469** by Glasgow Intergovernmental Relations
Relating to the composition of a county bail bond board.
- S.B. 470** by Brooks Intergovernmental Relations
Relating to the regulation of fire protection personnel.
- S.B. 471** by Brooks Natural Resources
Relating to peace officers employed and commissioned by a navigation district commission.
- S.B. 472** by Howard Finance
Relating to the cigarette and tobacco taxes in Chapters 154 and 155 of the Tax Code.
- S.B. 473** by Howard Economic Development
Relating to denial, revocation and suspension by the comptroller of public accounts of permits or licenses of persons violating provisions of the Tax Code or the Bingo Enabling Act.
- S.B. 474** by Parker Health and Human Resources
Relating to the reporting of occupational diseases to the Texas Department of Health.
- S.B. 475** by Parker Health and Human Resources
Relating to health risk assessments of the effects of toxic substances and to the establishment of a birth defects monitoring program.
- S.B. 476** by Lyon Education
Relating to the screening and treatment for specific learning disabilities of students enrolling in a public school in this state for the first time.
- S.B. 477** by Lyon Criminal Justice
Relating to the punishment for the offense of assault if the victim of the assault is a peace officer, jailer, or guard.
- S.B. 478** by Brown State Affairs
Relating to the creation of the Naval Facility Assistance Authority and the development of facilities and services related to a naval facility.

S.B. 479 by Caperton Intergovernmental Relations
Relating to the creation of the County Court at Law No. 2 of Brazos County and to the County Court at Law of Brazos County; amending Chapter 50, Acts of the 64th Legislature, Regular Session, 1975 (Article 1970-359, Vernon's Texas Civil Statutes).

S.B. 480 by Caperton State Affairs
Relating to increasing the terms of district and appellate court judges; amending the Revised Statutes, as amended, by amending Articles 1884 and 1715, Section (a) of Article 1801, and Section (a) of Article 1813.

S.B. 481 by Caperton Natural Resources
Relating to the Texas Conservation Foundation, to its continuation, to confidentiality of donations, and to appointment of the advisory committee; amending the Natural Resources Code, as amended, by adding Section 181.0011 and by amending Section 181.051 and Subsection (c) of Section 181.014; repealing Section 1a, Chapter 807, Acts of the 61st Legislature, Regular Session, 1969 (Article 6145-7, Vernon's Texas Civil Statutes).

S.B. 482 by Edwards State Affairs
Relating to the payment of suspense and trust fund warrants issued by the state comptroller.

S.B. 483 by Parker Health and Human Resources
Relating to certain reports made by pharmaceutical peer review or pharmaceutical organization committees that result in possible disciplinary action by the State Board of Pharmacy.

S.B. 484 by Parker Intergovernmental Relations
Relating to the duration of shifts, hours in a workweek, and compensation for fire fighters and other fire department personnel in certain cities.

S.B. 485 by Santiesteban State Affairs
Relating to the assessment of special costs for certain offenses to fund driver education courses in the public schools.

S.B. 486 by Santiesteban Criminal Justice
Relating to the deposit of a financial guarantee bond by a bail bondsman as security.

S.B. 487 by Santiesteban Criminal Justice
Relating to the time at which a corporation is in default on a bail bond.

S.B. 488 by Sharp Economic Development
Relating to regulation by the Railroad Commission of Texas of persons transporting certain educational units.

S.B. 489 by Jones Finance
Relating to annual reports to the State Property Tax Board by taxing units and appraisal districts.

S.B. 490 by Mauzy Intergovernmental Relations
Relating to appointment, removal, and qualifications of commissioners of a housing authority.

S.B. 491 by Mauzy Jurisprudence
Relating to the appointment of a receiver over certain marital property.

S.B. 492 by Jones Economic Development
Relating to the licensing and regulation of electricians and electrical contractors; providing a penalty.

S.J.R. 18 by Caperton

State Affairs

Proposing a constitutional amendment to increase the terms of district and appellate court judges.

S.J.R. 19 by Brown

Intergovernmental Relations

Proposing a constitutional amendment to authorize the legislature to enact laws permitting a city or town to spend public funds and levy assessments for the relocation or replacement of water laterals on private property.

S.J.R. 20 by Brooks

State Affairs

Proposing a constitutional amendment allowing encumbrances on homestead property under certain circumstances.

S.C.R. 52 by Mauzy

Jurisprudence

Granting J. A. Tobin Construction Company permission to sue the State of Texas.

CO-AUTHOR OF SENATE BILL 129

On motion of Senator Sharp and by unanimous consent, Senator Leedom will be shown as Co-author of **S.B. 129**.

CO-AUTHOR OF SENATE RESOLUTION 30

On motion of Senator Truan and by unanimous consent, Senator Brown will be shown as Co-author of **S.R. 30**.

MESSAGE FROM THE SECRETARY OF STATE

The following Message from the Secretary of State was read and was referred to the Committee on Jurisprudence:

**STATE OF TEXAS
OFFICE OF THE SECRETARY OF STATE
AUSTIN, TEXAS 78711**

January 29, 1985

Honorable William P. Hobby
Lieutenant Governor
State Capitol Building
Austin, Texas 78711

Dear Governor Hobby:

Please find enclosed copies of the Supreme Court Order of December 19, 1984, amending temporary approval of Local Rules of Practice, effective January 1, 1985, and the Order of December 19, 1984, adopting amendments to the Texas Rules of Civil Procedure, effective April 1, 1985. In accordance with the provisions of Tex. Rev. Civ. Stat. Ann. art. 1731a, I hereby respectfully request that these documents be presented to the Regular Session of the 69th Legislature.

Thank you for your assistance.

Sincerely,

/s/Myra A. McDaniel
Secretary of State

GUEST PRESENTED

Senator Barrientos was recognized and introduced Dr. Al Lindsey of Austin, Capitol Physician for the Day.

Dr. Lindsey was welcomed by the Senate.

SENATE BILL 142 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 142, Relating to the appointment of public defenders by criminal district judges in Tarrant County.

The bill was read second time and was passed to engrossment.

SENATE BILL 142 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 142** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 24, Nays 1.

Nays: Washington.

Absent: Brooks, Farabee, McFarland, Mauzy, Parker.

Absent-excused: Uribe.

The bill was read third time and was passed by the following vote: Yeas 25, Nays 0.

Absent: Brooks, Farabee, McFarland, Mauzy, Parker.

Absent-excused: Uribe.

SENATE BILL 345 ON SECOND READING

On motion of Senator Glasgow and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 345, Relating to the application of the Professional Prosecutors Act to certain prosecuting attorneys.

The bill was read second time and was passed to engrossment.

SENATE BILL 345 ON THIRD READING

Senator Glasgow moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 345** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 26, Nays 1.

Nays: Washington.

Absent: Brooks, McFarland, Mauzy.

Absent-excused: Uribe.

The bill was read third time and was passed by the following vote: Yeas 27, Nays 0.

Absent: Brooks, McFarland, Mauzy.

Absent-excused: Uribe.

COMMITTEE SUBSTITUTE SENATE BILL 237 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

C.S.S.B. 237, Relating to certain taxes administered by the Comptroller of Public Accounts.

The bill was read second time and was passed to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 237 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.B. 237** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 27, Nays 1.

Nays: Washington.

Absent: Brooks, Mauzy.

Absent-excused: Uribe.

The bill was read third time and was passed.

SENATE BILL 381 ON SECOND READING

On motion of Senator Traeger and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 381, Relating to rulemaking by the State Pension Review Board.

The bill was read second time and was passed to engrossment.

SENATE BILL 381 ON THIRD READING

Senator Traeger moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **S.B. 381** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Uribe.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Uribe.

SENATE BILL 380 ON SECOND READING

On motion of Senator Farabee and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 380, Relating to the conveyance of certain state-owned real property in Wichita County.

The bill was read second time.

Senator Farabee offered the following committee amendment to the bill:

Amend **S.B. 380** by adding a new Section 3 to read as follows and by renumbering current Sections 3 and 4 accordingly:

SECTION 3. SOLICITATION OF BIDS. The board of regents may not sell the property described in Section 2 of this Act until notice of the sale has been published in at least two issues of a newspaper of general circulation published in Wichita County. The first notice must be published at least 30 days before the date the property is to be sold. Each notice must describe the land to be sold and call for sealed bids on the property. The board shall reject any bid below the appraised value of the property. The board shall sell the property to the highest bidder or reject all bids and reoffer the property for sale.

The committee amendment was read and was adopted.

On motion of Senator Farabee and by unanimous consent, the caption was amended to conform to the body of the bill as amended.

The bill as amended was passed to engrossment.

SENATE BILL 380 ON THIRD READING

Senator Farabee moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 380 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Uribe.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Uribe.

SENATE BILL 257 ON SECOND READING

On motion of Senator Parker and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment:

S.B. 257, Relating to the terms of court of the 344th District Court.

The bill was read second time and was passed to engrossment.

SENATE BILL 257 ON THIRD READING

Senator Parker moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that S.B. 257 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Uribe.

The bill was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Uribe.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 10 ON SECOND READING**

On motion of Senator Montford and by unanimous consent, the regular order of business, Senate Rule 89 and all other necessary rules were suspended to take up for consideration at this time on its second reading and passage to engrossment.

C.S.S.J.R. 10, Proposing a constitutional amendment granting the supreme court jurisdiction to answer questions of state law certified from federal courts.

The resolution was read second time and was passed to engrossment.

**COMMITTEE SUBSTITUTE
SENATE JOINT RESOLUTION 10 ON THIRD READING**

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that **C.S.S.J.R. 10** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 1.

Nays: Washington.

Absent-excused: Uribe.

The resolution was read third time and was passed by the following vote: Yeas 30, Nays 0.

Absent-excused: Uribe.

COMMITTEE SUBSTITUTE SENATE BILL 216 ON SECOND READING

Senator Montford asked unanimous consent to suspend the regular order of business, Senate Rule 89 and all other necessary rules to take up for consideration at this time:

C.S.S.B. 216, Relating to the power of governing boards of institutions of higher education to fix the rate of incidental student fees; adding a new Section 54.504 and repealing Section 65.44, Education Code; and declaring an emergency.

There was objection.

Senator Montford then moved to suspend the regular order of business, Senate Rule 89 and all other necessary rules and take up **C.S.S.B. 216** for consideration at this time.

The motion prevailed by the following vote: Yeas 26, Nays 3.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Williams.

Nays: Farabee, Mauzy, Washington.

Absent: Whitmire.

Absent-excused: Uribe.

The bill was read second time and was passed to engrossment.

RECORD OF VOTE

Senator Mauzy asked to be recorded as voting "Nay" on the passage of the bill to engrossment.

COMMITTEE SUBSTITUTE SENATE BILL 216 ON THIRD READING

Senator Montford moved that the Constitutional Rule and Senate Rule 68 requiring bills to be read on three several days be suspended and that C.S.S.B. 216 be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 28, Nays 2.

Yeas: Barrientos, Blake, Brooks, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Whitmire, Williams.

Nays: Mauzy, Washington.

Absent-excused: Uribe.

The bill was read third time and was passed.

RECORD OF VOTES

Senators Mauzy and Washington asked to be recorded as voting "Nay" on the final passage of the bill.

MEMORIAL RESOLUTION

S.R. 121 - By Mauzy: Memorial resolution for Woodrow "Woody" Wilson Simpson.

WELCOME AND CONGRATULATORY RESOLUTIONS

H.C.R. 52 - (Edwards): Designating the design incorporated in the sesquicentennial county flag for Falls County as the official county flag for the Texas Sesquicentennial.

S.R. 122 - By Parmer: Extending congratulations to Mr. and Mrs. Gordon D. Grunke.

ADJOURNMENT

On motion of Senator Brooks, the Senate at 11:45 o'clock a.m. adjourned until 11:00 o'clock a.m. tomorrow.

TWENTY-THIRD DAY

(Tuesday, February 19, 1985)

The Senate met at 11:00 o'clock a.m., pursuant to adjournment and was called to order by President Pro Tempore Farabee.

The roll was called and the following Senators were present: Barrientos, Blake, Brown, Caperton, Edwards, Farabee, Glasgow, Harris, Henderson, Howard, Jones, Kothmann, Krier, Leedom, Lyon, McFarland, Mauzy, Montford, Parker, Parmer, Santiesteban, Sarpalius, Sharp, Sims, Traeger, Truan, Uribe, Washington, Whitmire, Williams.

Absent-excused: Brooks.

A quorum was announced present.

Senator J. E. "Buster" Brown offered the invocation as follows: